

Arizona Supreme Court
Rule 28 Petition

R-16-0040

RULES 5(a),5(b)(6),5(b)(7) et al, EVICTION ACTIONS

Appellate Case Information	Dept/Composition
Case Filed: 6-Jul-2016 Case Closed:	

Side 1. RULES 5(a), 5(b)(6), 5(b)(7) and ADD RULES 13(h) and 20, OF THE RULES OF PROCEDURE FOR EVICTION ACTIONS

(Litigant Group) PETITIONER: ARIZONA COMMISSION ON ACCESS TO JUSTICE

- Hon Lawrence F Winthrop, Arizona Commission on Access to Justice, Petitioner PRO SE

(Litigant Group) COMMENTER: HON. GERALD A. WILLIAMS

- Hon. Gerald A Williams, Commentor PRO SE

(Litigant Group) COMMENTERS: PAUL A. HENDERSON AND DENISE M. HOLLIDAY

- Paul A Henderson, Commentor PRO SE
AZ Bar No. 22891

- Denise M Holliday, Commentor PRO SE
AZ Bar No. 17275
[Current Member]
Admitted 10/19/96

(Litigant Group) COMMENTER: ARIZONA COMMUNITY ACTION ASSOCIATION

- Ms Cynthia Zwick, Arizona Community Action Association, Commentor PRO SE

(Litigant Group) COMMENTER: ARIZONA ASSOCIATION OF REALTORS

- Arizona Association of Realtors, Commentor Attorneys for: Arizona Association of Realtors
Scott M Drucker, Esq. (AZ Bar No. 20964)

(Litigant Group) COMMENTERS: MANUFACTURED HOUSING COMMUNITIES OF ARIZONA

- Manufactured Housing Communities of Arizona, Commentor Attorneys for: AZ Manufactured Housing Communities
Michael A Parham, Esq. (AZ Bar No. 4853)
Melissa Parham, Esq. (AZ Bar No. 25670)

(Litigant Group) COMMENTER: ARIZONA REAL ESTATE INVESTORS ASSOCIATION

- Arizona Real Estate Investors Association, Commentor Attorneys for: Arizona Real Estate Investors
Michael A Parham, Esq. (AZ Bar No. 4853)

(Litigant Group) COMMENTER: WILLIAM E. MORRIS INSTITUTE FOR JUSTICE

- Ellen S Katz, Commentor PRO SE
AZ Bar No. 12214
[Current Member]
Admitted 10/21/88

CASE STATUS

Dec 14, 2016....Continued	Jul 8, 2016.....Circulating
Jul 6, 2016.....Pending	

18 PROCEEDING ENTRIES

- 6-Jul-2016 FILED: Petition to Amend Rules 5(a), 5(b)(6), 5(b)(7) and Add Rules 13(h) and 20, of the Rules of Procedure for Eviction Actions (Expedited Adoption Requested) (Petitioner Arizona Commission on Access to Justice by Hon. Lawrence Winthrop, Chair)

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2. 8-Jul-2016 A petition having been filed in the above captioned case pursuant to Rule 28(A), Rules of the Arizona Supreme Court, and a request for expedited consideration having been made pursuant to Rule 28(G),
- IT IS ORDERED that the request for expedited consideration outside the annual rule processing cycle is granted.
- IT IS FURTHER ORDERED that the petition shall be opened for public comment pursuant to Rule 28(C), Rules of the Supreme Court. Comments shall be due on or before September 23, 2016. Petitioner's reply to comments shall be due on or before November 4, 2016. The Court will consider the petition in December 2016.
- The petitions may be viewed by going to: <http://www.azcourts.gov/> and hovering on "Rules" in the drop down menu under "AZ Supreme Court." Click on "Rules Forum" in the drop down menu next to "Rules." This will take you to the "Welcome" page. Petitions are posted under the appropriate body of rules, which you can find by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above but click on "FAQ" at the top of the "Welcome" page and then "How do I file a comment on a Rule 28 petition."
- Alternatively, comments may be submitted by filing an original and one (1) paper copy and one copy of the written comments and supporting documents in Microsoft Word format on a CD, disk or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment". Any person filing a comment shall send a copy thereof to Petitioner. (Hon. Ann A. Scott Timmer)
3. 5-Aug-2016 FILED: Objection to Proposed Rule Changes, to Proposed Mandatory Summons and Complaint, to Proposed Mandatory Notice Forms, and Suggested Alternative Language for Forms (Hon. Gerald A. Williams, Justice of the Peace, North Valley Justice Court)
4. 12-Sep-2016 FILED: Comment upon and Objection to Proposed Rule Amendments (Paul A. Henderson and Denise M. Holliday)
5. 20-Sep-2016 FILED: Comment to Proposed Rule Amendments (Scott M. Clark)
6. 20-Sep-2016 FILED: Comments of Arizona Community Action Association in Support of Petition (Arizona Community Action Association by Cynthia Zwick)
7. 20-Sep-2016 FILED: Comments RE: R-16-0040 Petition to Amend Rules 5(a), 5(b)(6), 5(b)(7) and add Rules 13(h) and 20 of the Rules of Procedure for Eviction Actions (Arizona Association of Realtors by Scott M. Drucker, General Counsel)
8. 23-Sep-2016 FILED: Comments on Proposed Rule (Manufactured Housing Communities by Michael A. Parham and Melissa A. Parham)
9. 23-Sep-2016 FILED: Comments on Proposed Rule (Arizona Real Estate Investors Association by Mark B. Zinman)
10. 23-Sep-2016 FILED: Comments in Support of Petition to Amend and Add to the Rules of Procedure for Eviction Actions (William E. Morris Institute for Justice by Ellen Sue Katz)
11. 23-Sep-2016 FILED: Comments in Support of Petition to Amend and Add to the Rules of Procedure for Eviction Actions (Community Legal Services by Pamela M. Bridge)
12. 23-Sep-2016 FILED: Comments on Proposed Rule: Notice of Intent to File Response to Petitioners "Reply" (Arizona Real Estate Investors Association by Mark B. Zinman)
13. 10-Nov-2016 FILED: Reply to Comments to Petition to Amend Rules 5(a), 5(b)(6), 5(b)(7) and add Rule 13(h) and 20 of the Rules of Procedure for Eviction Actions (Petitioner Arizona Commission on Access to Justice by Hon. Lawrence Winthrop, Chair)
14. 14-Nov-2016 FILED: Motion for Leave to File Additional Comments on Proposed Rule Revisions (Manufactured Housing Communities by Michael A. Parham and Melissa A. Parham)
15. 14-Nov-2016 FILED: Additional Comments on Rule Revisions Proposed in ACAJ Reply (Manufactured Housing Communities by Michael Parham)
16. 17-Nov-2016 A "Motion for Leave to File Additional Comments on Proposed Rule Revisions" and the "Additional Comment on Rule Revision Proposed in ACAJ Reply" (Manufactured Housing Communities by Michael A. Parham and Melissa A. Parham) were filed on November 14, 2016. After consideration,
- IT IS ORDERED granting the motion. The comment will be filed as of November 14, 2016. (Janet Johnson, Clerk)
17. 12-Dec-2016 WOULD REQUIRE LITIGANTS STATEWIDE TO USE COURT-APPROVED EVICTION ACTION FORMS AND AUTHORIZES THE ADMINISTRATIVE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) TO APPROVE, MODIFY, OR DELETE EVICTION ACTION FORMS AS MAY BE APPROPRIATE
- ORDERED: Petition to Amend Rules 5(a), 5(b)(6), 5(b)(7) and Add Rules 13(h) and 20, of the Rules of Procedure for Eviction Actions = CONTINUED for an additional comment period until February 17, 2017, on the attached forms which were proposed in Petitioner's reply.

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18. 14-Dec-2016 A petition having been filed proposing to amend Rules 5(a), 5(b)(6) and 5(b)(7), and to add Rules 13(h) and 20, Arizona Rules of Procedure for Eviction Actions, and comments and a reply having been received, upon consideration,
- ☐ IT IS ORDERED that this matter be continued and that the attached version of the proposed rules, which includes the revisions made in Petitioner's Reply, be reopened for comment, with comments due February 17, 2017, in accordance with Rule 28(D), Rules of the Supreme Court of Arizona. (Hon. Scott Bales)